

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6730

Investigation into tariff filing of Rochester)
Electric Light & Power Company in re:)
proposed Pole Attachment Tariff)

Order entered: 9/10/2004

I. INTRODUCTION

Following the adoption by the Public Service Board ("Board") of Rule 3.700, each pole-owning utility was required to file a tariff for rates, terms, and conditions for the rental of space on its poles by other regulated companies. Rochester Electric Light & Power Company ("Rochester") filed its proposed tariff in due course; the Vermont Department of Public Service ("Department") reported that, while it had some concerns, it recommended that the tariff go into effect pending an investigation. The Board opened such an investigation in this Docket.

As a result of negotiations between Rochester and the Department, a stipulation ("Stipulation") was filed as to rates, terms, and conditions for the pole attachment tariff; the stipulation provides that it settles all issues between the parties and that, if the Board accepts it, this docket may be closed. I recommend that the Board accept the Stipulation, as described below.

II. TERMS OF THE STIPULATION OF THE PARTIES

The Stipulation has a dozen points, summarized here.

- A rate of \$5.14 per year per foot of attachment to Rochester solely-owned poles.
- Cable operators that do not provide local exchange telephone service are presumed to occupy one foot of space.

- All other entities, except ILECs¹ and electric utilities, are assumed to occupy two feet, although Rochester is permitted to perform a survey to determine the actual space used.
- For poles Rochester owns jointly with another utility, the rental paid to Rochester will be proportionate to its ownership interest: if Rochester owns 60% of the pole, the rental shall be 60% times \$5.14 times the number of feet of attachment.
- The Stipulation is a compromise and has no precedential value on non-parties nor on future negotiations between these parties.
- Any payments made by any Attaching Entities in excess of those provided for in the stipulated tariff after January 1, 2002, are to be credited to such Attaching Entity.

III. CONCLUSION

I have reviewed the stipulated proposed tariff, and I conclude that its provisions will be just and reasonable, and consistent with those of Rule 3.700. Therefore, I recommend that the Board accept the Stipulation and direct Rochester to file a compliance tariff that includes those in the proposed tariff.

The parties to this proceeding have waived service of this Proposal for Decision in accordance with 3 V.S.A. § 811.

Dated at Montpelier, Vermont, this 3rd day of September, 2004.

s/John P. Bentley

John P. Bentley, Esq.
Hearing Officer

1. Independent local exchange carriers.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The conclusion and recommendation of the Hearing Officer are adopted.
2. The Stipulation between Rochester Electric Light & Power Company and the Department of Public Service as to Rochester's pole attachment tariff is approved.
3. Rochester shall file a revised tariff consistent with this Order and the Stipulation within 30 days after the date of this Order.
4. Rochester shall implement the billing procedures as prescribed in the Stipulation.
5. In all other respects, the parties thereto shall comply with the terms and conditions of the Stipulation.

Dated at Montpelier, Vermont, this 10th day of September, 2004.

<u>s/Michael H. Dworkin</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: September 10, 2004

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.